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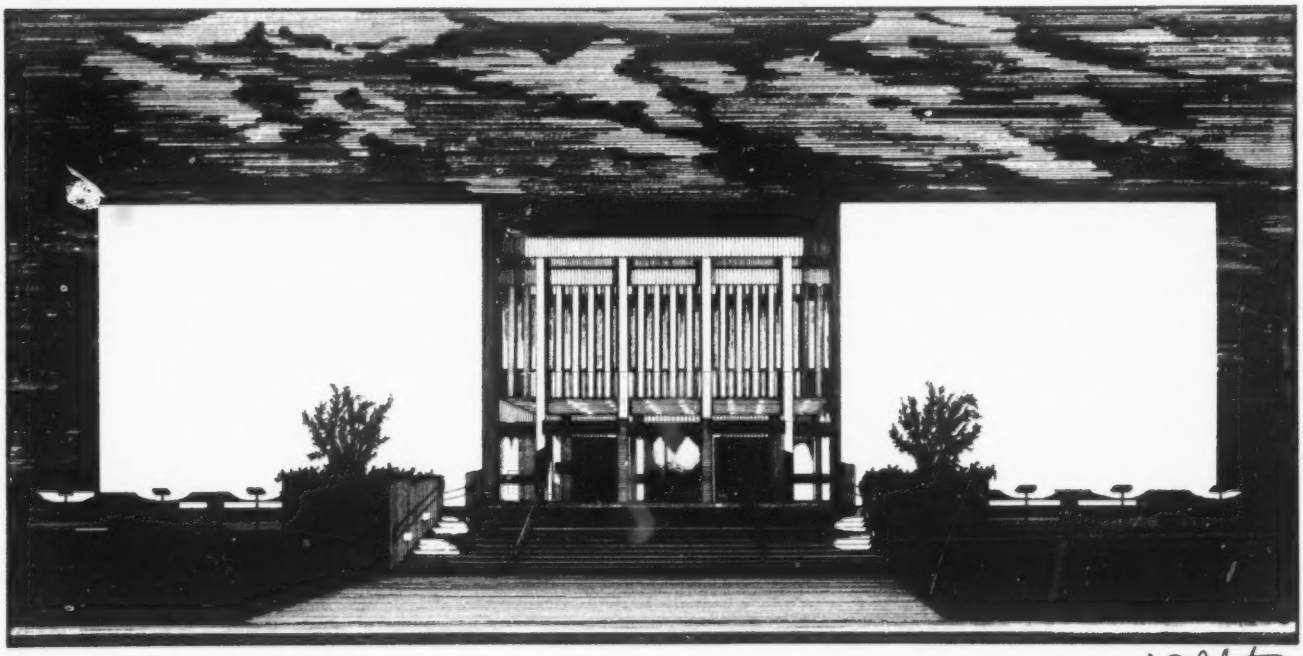
THE IDAHO COURTS · 1979 ANNUAL REPORT



J R Blount

PUBLISHED

PURSUANT TO SECTION 1-612

OF THE IDAHO CODE

ON BEHALF OF THE SUPREME COURT OF IDAHO

Charles R. Donaldson, Chief Justice

Allan G. Shepard, Justice

Robert E. Bakes, Justice

Joseph J. McFadden, Justice

Stephen Bistline, Justice

BY THE ADMINISTRATIVE OFFICE OF THE COURTS

Carl F. Bianchi
Administrative Director of the Courts

ON THE COVER: Idaho Supreme Court Building, Boise, Idaho. Dedicated in 1970, by then-Chief Justice Joseph J. McFadden, Idaho's Supreme Court Building houses the Supreme Court courtroom and offices, the State Law Library, and all judicial administrative offices. This modern structure remains one of the most functional buildings in the nation.

Cover ink drawing and all graphs and charts in this report were drawn by John R. Blout of the Administrative Office of the Courts

IDAHO COURTS ANNUAL REPORT

FOR 1979

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A separate Appendix to the 1979 Courts Annual Report is available upon request. The Appendix contains detailed case statistics from all courts in the state, with individual district and county summaries.

INTRODUCTION

THE EVOLUTION OF A MODERN JUDICIARY

by John Corlett*

The judiciary is a co-equal in the triumvirate of Idaho's state government, but its place among the executive and the legislative branches is not well described in the history books and the general literature of political development.

The Idaho judicial system stands apart — as probably it should — and yet it has a great, if not greater, impact on the people and the development of Idaho as the executive branch and the legislature. Consider, for example, that in all the courts each year there is filed one case for every three Idahoans. The new cases filed each year are in the hundreds of thousands.

The popular description of a judicial system is that it interprets the laws and the constitution. The judiciary which, along with the legal profession, uses and works with a complex lexicon, does far more than interpret. The judiciary umpires and decides disputes of incalculable variety, assuring that each decision is made within the due process of law. The judicial system brings criminals to justice. This is a system of a civilized society to settle disputes without violence, and to limit lawlessness under a stringent code that justice and fairness shall prevail.

The growth of population, the changing mores, and the increasing problems engendered by an onrushing technology add burdens on the judiciary at an ever increasing rate. The more automobile accidents, the more lawsuits and traffic citations. The increasing number of divorces increase the caseload in the courts. New technologies create the need for new regulations. They also create societal changes that demand judicial action. The Idaho legislature adds new laws and amends old ones at the rate of more than 300 a year. All of the new laws regulate in some form and in the public interest the lives of all Idahoans. The judicial system is asked in those hundreds of thousands of cases to make sure that justice does prevail in any dispute or difference of opinion about those regulations.

Unlike many states, Idaho has developed a judicial system with administrative procedures that can handle the ever-growing caseload. Judicial reform, seldom experienced in such completeness, came to Idaho beginning in 1971. Probate, justice of the peace, and municipal courts were consolidated into a magistrate division under the jurisdiction of the district courts. Seventy magistrates by 1979 replaced more than 250 justices of the peace, probate and police judges. The fewer judges handle the heavier caseload more efficiently.

The Idaho judicial system has become a model for other states. It has taken more than just establishing a two-tiered court system — supreme court and district courts with their magistrate division — to become that model. The emphasis since 1971 has been on administration. The administrative office of the courts, serving under the supreme court, was created. Trial court administrators were created in each of the state's seven judicial districts. A judicial council was established. It nominates lawyers for appointment by the governor to fill district and supreme court vacancies. It investigates complaints against judges and may recommend discipline against them and removal or retirement.

The judicial changes did not come overnight. It took almost 20 years before the 1969 legislature enacted the reforms, which became effective January 11, 1971.

Some changes took place before the concentrated reform effort of the Idaho Bar Association in the 1950's and 1960's. Originally supreme court and district court judges were nominated and elected on a partisan political basis. In 1933 the legislature provided that judges shall be elected on non-partisan ballots.

One of the most far-reaching changes was the establishment of seven judicial districts in the state. The constitution created five judicial districts in 1890, but allowed the number to be changed by the legislature. By 1966 the number of districts had been increased to 13. They were unequal in service. Two districts were created, for example, in Bonneville County. Greater equality was provided by establishing the seven districts both in caring for caseload and in administration of the courts. There are now 29 district judges in the seven judicial districts.

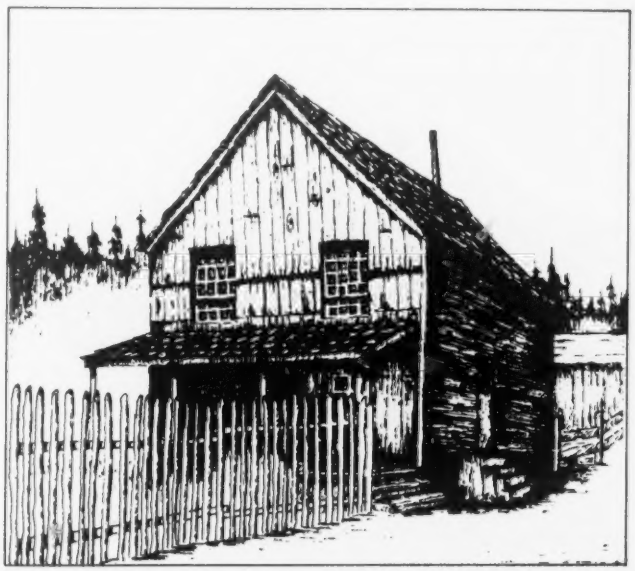
As long ago as 1908, the people approved a constitutional amendment that would have eliminated probate courts and placed their duties with the district courts. The Idaho Supreme Court in 1909 said the amendment was not constitutional because it included six separate changes in the judiciary. Not until 1962 did the people again approve elimination of not only the probate court but the justice of peace courts as well, and direct the legislature to establish inferior courts below the district courts. One of the amendments also provided that "the courts shall constitute a unified

and integrated judicial system for administration and supervision by the supreme court." Efforts were taken in 1955 to move slowly into the court reform area by lessening the powers of probate and justice of the peace courts, but it became apparent as time went on that the answer was to eliminate those courts and allow the legislature to provide what became a "unified and integrated judicial system." The electorate obviously agreed by approving the necessary constitutional amendments.

The next steps were to enact the laws needed to provide the unified judicial system, and to make additional amendments to the constitution to establish a method for nominating judges, to fill vacancies to be appointed by the governor, and to provide a means for discipline, retirement, and removal from office of justices and judges.

The 1965 legislature created a legislative council interim committee on courts. The committee developed a series of bills to provide the reforms and they were introduced and passed by the 1967 legislature. The package was vetoed by then governor Don Samuelson. Two constitutional amendments proposed by the 1967 legislature to provide the means for nominating and disciplining judges were approved by the voters at the 1968 general election. The 1969 legislature again passed the court reform package with minor changes to meet Samuelson's objections. The governor signed the bills, and they became effective January 11, 1971. With the signing of those bills, almost fifty years of court reform efforts were rewarded with the genesis of one of the most modern court systems in the nation.

* A retired veteran political reporter and commentator for a major Idaho newspaper, John Corlett is the editor of the *Idaho Almanac*. This introduction was written on the occasion of the national bicentenial.



IDAHO'S OLDEST COURTHOUSE — The two-story log courthouse still standing at Pierce City has the distinction of being Idaho's oldest public building. The building was completed in 1862 and served as Shoshone County's official courthouse until 1884. Ink sketch donated by John A. Bianchi.

IDAHO JUDICIAL SYSTEM

SUPREME COURT

Chief Justice and 4 Associate Justices. Terms of 6 years after non-partisan at-large election, with staggered terms. Voluntary retirement at age 65. Mandatory retirement at age 70.

Original Jurisdiction in:

(1) Claims against State (advisory opinions)
(2) Extraordinary writs

Appellate Jurisdiction in:

(1) Appeals from interim orders and final judgment in District Courts
(2) Appeals from Administrative Agencies

JUDICIAL COUNCIL

7 Members:

Chief Justice, Chairman
3 Attorneys (one of whom must be a district judge)
--Appointed by Board of Commissioners of Idaho State Bar with consent of Senate.
3 Non-Attorneys
--Appointed by Governor with advice and consent of Senate.

Terms: 6 years, staggered terms.

Duties: (1) Conducts studies and makes recommendations to Legislature and Supreme Court.
(2) Recommends appointments to Governor to fill vacancies.
(3) Recommends discipline, removal or retirement of Justices and judges.

DISTRICT COURTS

29 Judges presently authorized. Terms of 4 years after non-partisan election within the judicial district. Voluntary retirement at age 65. Mandatory retirement at age 70.

Original Jurisdiction over civil and criminal cases including:

(1) Personal injury & other torts
(2) Contracts
(3) Domestic relations
(4) Felonies
(5) Post-conviction review
(6) Habeas corpus

Appellate Jurisdiction:

(1) Appeals from Magistrates Division
(2) Appeals from State Agencies and Boards
(3) Appeals from Small Claims Departments

MAGISTRATE DIVISIONS

70 Judges authorized. Terms: Initial 2 years upon appointment by district magistrates commission; subsequent 4-year terms by county election on record. Retirement at age 65, with approval, may serve to age 70.

Jurisdiction, generally:

(1) Civil actions to $5,000
(2) Forcible entry and detainers
(3) Liens to $1,000 on real or personal property
(4) Probate and Adm. of Decedent estates
(5) Juvenile proceedings
(6) Misdemeanors
(7) Arrest warrants; searches and seizures
(8) Preliminary hearings for probable cause on felony complaints
(9) Domestic relations

SMALL CLAIMS DEPARTMENTS

Magistrates sit for small claims
Jurisdiction limited to civil actions up to $1,000 & over defendants within county of location
No attorneys allowed in small claims actions
No jury trials in small claims cases

↑ Indicates court to which appeals are taken

The Idaho Courts Today

Model for Other States

Idaho's court system today is recognized as a model for other states. Constitutional amendments in the early 1960s gave the Idaho Supreme Court management authority over the trial courts, firmly establishing the Supreme Court's rule-making powers and providing a method of supervising trial court operations. The judicial reform efforts which culminated on January 11, 1971, streamlined Idaho's trial courts by consolidating the various probate, justice and municipal courts into a general jurisdiction District Court, with a division for special types of actions. Thus unified, Idaho's "two tiered" court system is one of the nation's most modern in design.*

The Supreme Court

The Supreme Court of Idaho is the State's court of last resort. The Court hears appeals from final decisions of the District Court, as well as from orders of the Public Utilities Commission and the Industrial Accident Commission. It has original jurisdiction to hear claims against the state and to issue writs of review, mandamus, certiorari, prohibition and habeas corpus, and all writs necessary to complete exercise of its appellate jurisdiction. For the convenience of litigants, the Idaho Supreme Court is one of the few "circuit-riding" supreme courts in the country, and holds twelve terms of court: four in Boise, two in Twin Falls, two in Pocatello, two in Lewiston, and two in Coeur d'Alene. The court hears additional appeals in Boise during special "expedited calendar" days.

The Supreme Court is also responsible for the administration and supervision of the trial courts, as well as the operations of the Administrative Office of the Courts, the Supreme Court Clerk's Office and the State Law Library. These latter operations are located, along with the Justices' offices and courtroom, in the Supreme Court Building in Boise.

The Supreme Court consists of five justices who are elected at large, on a non-partisan ballot, for a term of six years with their terms being staggered so continuity on the Court will be maintained. A candidate for justice must be a qualified elector and a duly qualified attorney at law. The chief justice is selected by the other justices to preside over court activities during his term. During 1979, Justice Allan G. Shepard served as Chief Justice until June 30, with Justice Charles R. Donaldson assuming the office of Chief Justice for the remainder of the year.

The Trial Courts

The district court is the trial court of general jurisdiction. A magistrate division exercises limited jurisdiction. The magistrate division, in turn, has a small claims department. While individual judges may serve either in district court cases or magistrate division cases, it is one integrated court.

The district court judges have original jurisdiction in all cases and proceedings. They may issue extraordinary writs, and may also hear appeals from the magistrate division, and certain agencies and boards. There are 29 district court judges (see appendix exhibit A), who sit in each of the 44 counties. They are Idaho attorneys, elected by non-partisan ballot within the judicial district in which they serve. Each district court judge is served by a court reporter who makes a record of all proceedings and testimony in a case.

Judges of the magistrate division may hear civil cases where the amount of damages requested does not exceed $5,000; proceedings in forcible entry, forcible detainer and unlawful detainer; for the limited enforcement and foreclosure of common law and statutory liens on real or personal property; proceedings in the probate of wills and the administration of estates of decedents and incapacitated persons; juvenile proceedings; criminal misdemeanor offenses; proceedings to prevent the commission of crimes; may issue warrants for the arrest or for searches and seizures, and may conduct preliminary hearings to determine probable cause on felony complaints. In some judicial districts, lawyer magistrates also may hear domestic relations and support cases.

As of January 1, 1980, there are 70 magistrates, (see appendix exhibit A), with at least one resident magistrate appointed for each county. Additionally, six district trial court administrators are appointed as judges of the magistrate division and assist with judicial duties. Several magistrates in more rural areas serve on a part-time basis. Approximately 31% of Idaho's magistrates are not lawyers, relying on substantial practical experience in legal matters. Non-lawyer judges must be certified to handle criminal and juvenile cases.

Magistrates may also handle small claims cases. These are minor civil actions where less

* The Idaho court system recently was ranked fourth in the nation in its degree of management unification.

than $1,000 is involved. The small claims department is designed to provide a quick, inexpensive solution to such claims. No attorneys are allowed in small claims cases, nor are there jury trials. Appeals from small claims decisions are taken to the district court proper.

The Judicial Council

The Idaho Judicial Council is empowered by statute to nominate to the Governor persons for appointment to vacancies in the Supreme Court and district courts. It may make recommendations to the Supreme Court for the removal, discipline and retirement of judicial officers. It is comprised of seven members: the chief justice of the Supreme Court, who is chairman, a district court judge and two lawyers appointed by the governing board of the Idaho bar with the consent of the state senate and three non-attorney members appointed by the governor with the consent of the senate. Since its creation in 1967, the council has nominated lawyers for appointment by the governor to fill vacancies on the Supreme Court and district courts, as well as conducted studies resulting in recommendations for improvements of the judicial system. Sitting in its disciplinary capacity, the Council may investigate complaints against justices or judges of the supreme or district courts, and in appropriate cases it may recommend to the Supreme Court the removal, discipline or retirement of a justice or judge.

Court Planning

While studies have found that planning is largely undeveloped in other state court systems, the Idaho judicial system has utilized planning as an effective management tool since 1973. The Supreme Court annually prepares a comprehensive plan, setting long and short range goals and objectives for courts, and judicial personnel work throughout the year to achieve those goals and objectives. The annual plan also contains district goals and objectives developed by the administrative district judge and trial court administrator for each of the seven judicial districts in Idaho. Once approved, the plan serves as a basic policy guide for administrative operations, and is distributed to all judges as well as to other state government agencies and branches which work in cooperation with the courts. The Idaho court planning program is a national model of management by objectives in a judicial environment.

Philosophy for Idaho Court Operations

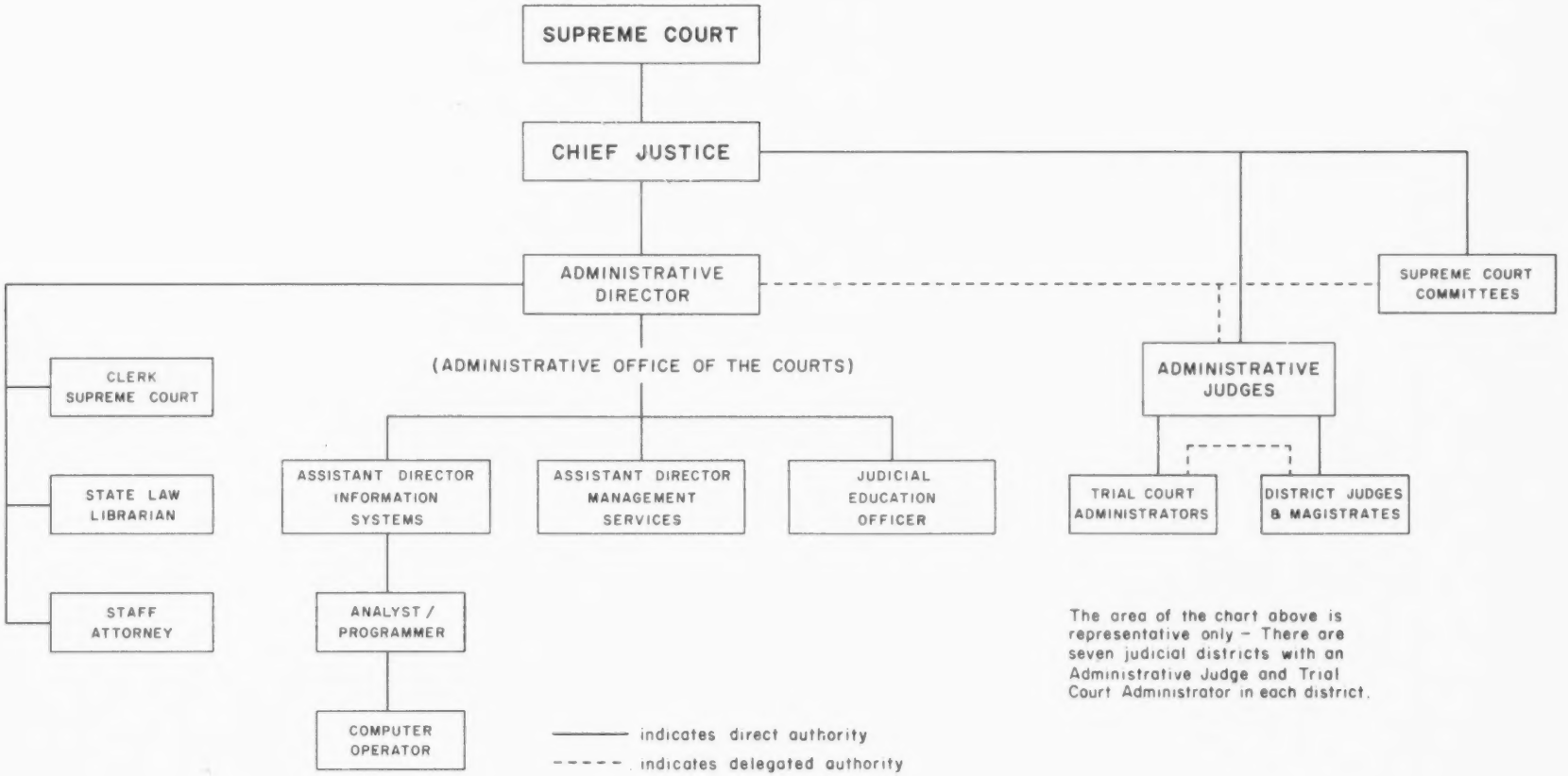
Working with the trial judges, the Supreme Court has identified six major goals for the Idaho court system:

- Increasing the accessibility and improving the service of courts to the public.
- Eliminating delays in case processing, while maintaining the quality and justice of legal decisions.
- Protecting the confidentiality of personal, private information concerning individuals involved in court actions, while allowing free access to court information that is of public record.
- Maintaining the independent nature of the courts as a separate branch of government and allowing the Supreme Court to fulfill its constitutional authority and responsibility to manage the affairs of the judiciary.
- Strengthening and increasing the unification of the Idaho judicial system through centralized standards and rules, regionalized implementation of operations, and a greater communication with individual judges of the goals of unification.
- Increasing the level of professional excellence of all court personnel.

Each year the Supreme Court and the trial courts establish planned objectives designed to achieve these goals.

IDAHO JUDICIAL SYSTEM

ADMINISTRATIVE STRUCTURE



The area of the chart above is representative only – There are seven judicial districts with an Administrative Judge and Trial Court Administrator in each district.

Judicial Administration

Regional Administrative Structure

As shown in the chart on page 7, opposite, the Supreme Court has the ultimate authority for supervising and administering the Idaho court system. The court establishes statewide rules and policies for the operation of its internal functions and of the trial courts, with the administrative office of the courts carrying out much of the day-to-day administrative duties of the statewide court system.

The state is divided into seven judicial districts, with an administrative judge in each district. An administrative judge, assisted by a trial court administrator, is responsible for managing court operations in the district, for arranging case calendars and assigning judges to cases and for supervising the clerks of the district courts. This regional administrative structure is designed to delegate a great deal of authority to the trial judges and insure their participation in policy decisions, while still maintaining uniform statewide rules and procedures.

The Administrative Office of the Courts

The Administrative Office of the Courts was created by statute and assists the Supreme Court in its constitutional reponsibility to supervise and administer the Idaho court system. The director of the administrative office supervises the administrative staff of the judiciary, as well as the operations of the supreme court clerk's office and the state law library. The office monitors the operations of the district courts, performs planning functions for the Supreme Court and implements recommendations for the improvement of the judicial system. The office also prepares the annual appropriations request for the judiciary and supervises expenditures under the unified judicial budget. Judicial conferences and training seminars are developed and conducted by the administrative office, and the office obtains and supervises federal grants on behalf of the court. The administrative director develops and administers personnel standards for judicial employees, assigns trial judges when there are disqualifications, directs the activities of the district trial court administrators, and acts as liaison for the state judiciary with the Idaho Legislature, other public agencies, and the media.

Trial Court Administration

The administrative judge in each district (see appendix exhibit B) is chosen for this office by the other district judges, and performs one of the most important functions in the court system. The administrative judge is responsible for the administration of the district courts and magistrate divisions within the judicial district. The administrative judge assigns all cases and insures that the court calendars remain current. Final recommendations for local court budgets and facilities are made by the administrative judge, as well as personnel decisions for the district. Local rules of practice and procedure are recommended to the Supreme Court by the administrative judge with the concurrence of the other district judges, and the administrative judge also supervises the clerical staff of the district courts. The administrative judge additionally serves as chairman of the district magistrates commission, a representative body of county commissioners, mayors, citizens and private attorneys which appoints judges to the magistrate division for their initial terms.

There is a trial court administrator in each of the seven judicial districts (see appendix exhibit B). Under the supervision of the administrative judge for the district, the trial court administrators assist in the overall management of court operations within the judicial district, with particular emphasis on the magistrate division. Each of the trial court administrators assists in preparing budgets for court facilities and county-funded support staff, such as clerical personnel, bailiffs, and probation officers. The administrators work with jury commissioners in establishing the proper number of jurors to be called and impaneled, as well as assuring that statutory standards for jury duty exemptions are followed. While most of the statewide court information reports are prepared by district court clerk offices, the trial court administrators supervise this reporting function, as well as analyze the statistical reports that are produced by the administrative office of the courts to pinpoint cases that require immediate disposition and to maintain uniformity in caseloads for individual judges.

The trial court administrators perform non-judicial public information duties, answering complaints and disseminating information concerning the trial courts. For liaison purposes with law enforcement and other public officials, they may attend designated public meetings as court representatives. Under the general direction of

the administrative judge, they also assign cases and perform calendaring functions. They maintain personnel records for state judicial employees in the district, including sick leave, vacation leave and attendance at judicial education programs.

Six of the trial court administrators also are appointed as judges of the magistrate division and perform judicial duties in addition to their administrative functions.

The administrative judges and trial court administrators meet in regularly scheduled administrative conferences with the Supreme Court to discuss caseload and procedural problems, and to develop improvements in court rules and operations. Administrative conference minutes are distributed to all judges in the state.

Supreme Court Clerk's Office

The office of the clerk of the Supreme Court performs a variety of important tasks for the judiciary. The office manages the legal and clerical functions of the Supreme Court, including the preparation of calendars, maintenance of the docket, assuring proper flow of cases and distribution of final opinions. The publication of the Idaho Reports is coordinated by the supreme court clerk's office. The office handles all filings of legal papers and petitions which are under the jurisdiction of the Supreme Court and provides technical services for official ceremonies, including admissions of new attorneys and memorial services. During 1976, the Supreme Court Clerk's office began using a computerized management reporting system to help monitor procedural steps in Supreme Court appeals.

State Law Library

The Idaho State Law Library was established in 1869 under an Idaho territorial statute. It is operated by the state law librarian, under the supervision of the administrative director of the courts. The law library is used by the judiciary, public officials, lawyers, and is widely used by students, research personnel and the general public.

The law library contains over 90,000 bound volumes and thousands of pamphlets and unbound publications. The state law library is also a depository for U.S. government publications. The library is primarily a research facility. Photocopy service is available for patrons, for a fee.

The bound volume collection includes the reported cases of all federal and state courts of last resort, the statutes and session laws for each of the 50 states together with some statutes and case reports of other English-speaking peoples. The collection of federal law includes the reported cases of the federal courts, most of the federal administrative board decisions, federal statutes and regulations, the debates of the federal congress, some of the congressional hearings, and a wealth of U.S. legislative history. In addition, the state law library contains legal periodicals, digests, citators, encyclopedias, treatises of law, and English case reports. A card catalog is maintained for the convenience of patrons. During 1978, the law library became one of the first in the nation to prepare its own catalog cards by computer.

District Court Clerks

The district court clerks and their deputies in each of the 44 counties provide essential support services to the district judges and magistrates. In addition to county auditor and recorder duties, under the supervision of the administrative judge, the district clerks handle all case filings and insure smooth civil and criminal case processing. They also file reports on all cases with the administrative office of the courts to help compile the courts' management reports. The district court clerk offices are the entry point for citizens seeking access to court services, and thus serve an important public information service for the courts. Using statutory formulas, they are responsible for distributing court fees and fines to a number of state and county funds. As an elected county official, the district court clerk serves as one of the pivotal links between the state judiciary and county government.

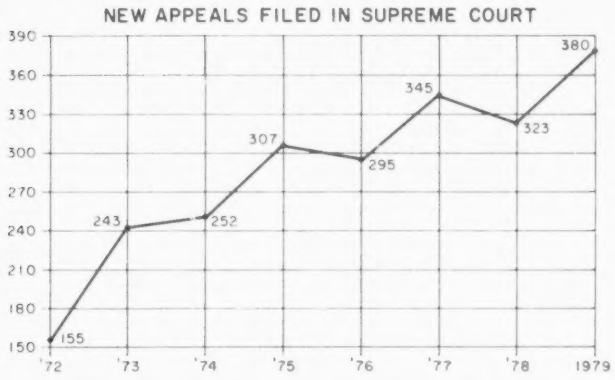
Supreme Court Committees

From time to time, the Supreme Court has appointed committees to examine and make recommendations on important court issues and procedures. Composed at various times of judges, attorneys in private law practice, prosecutors, public defenders, court administrative and clerical staff and private citizens, these committees have made important contributions to the judiciary, often at loss of personal income and leisure time for committee members. During 1977, a "blue ribbon" committee of lawyers, legislators and citizen representatives made recommendations on how to deal with Idaho's growing volume of appeals, in 1978 a joint Legislative-Judicial Committee on Court Reporting examined electronic alternatives to stenotype court reporters, and in 1979, a bench-press committee began work to develop a press guide to the Idaho courts.

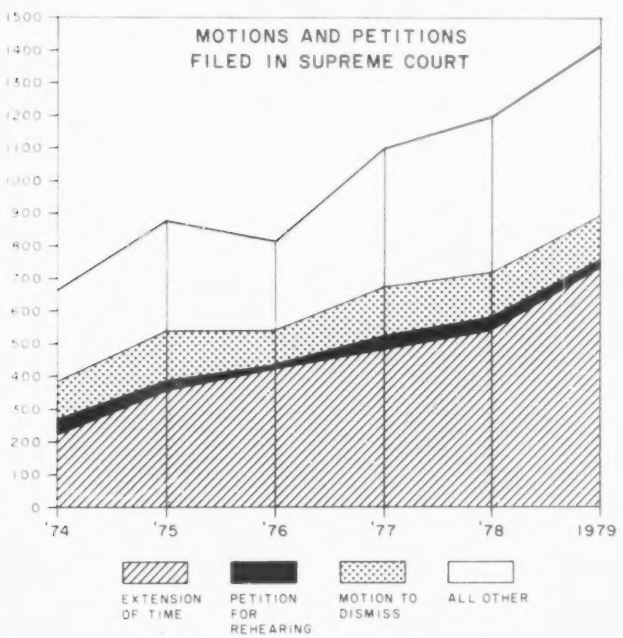
Supreme Court Caseload

New Filings Set Record

New appeals filed with the Supreme Court in 1979 were the highest number in the history of the state. During 1979, 380 new appeals were filed, 35 more than the 1977 record high of 345 new appeals, and 18 per cent higher than last year's filings.

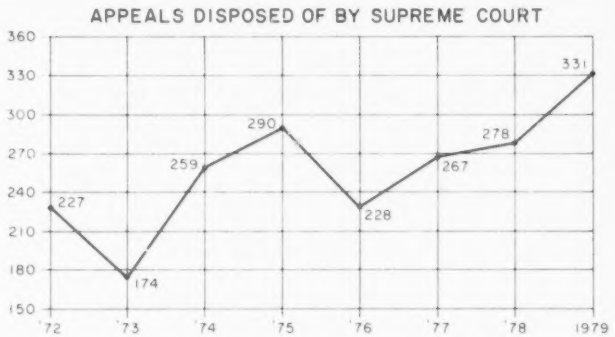


Petitions and motions also maintained record highs, contributing to a tremendous strain on Idaho's appellate system. During 1979, 1,419 petitions and motions were filed with the Court, of which the Justices dealt finally with 1,360. The number of new petitions and motions during 1979 was an 18 per cent increase over the 1978 total of 1,201. Also filed with the Court during the year were 28 original proceedings and 2 attorney discipline matters.



Dispositions Highest in History

Along with the record case filings, the Idaho Supreme Court set an all-time record for the number of appeals on which it completed action. The Court disposed of 331 appeals in 1979, a 14 per cent increase over the previous record of 290 dispositions, which was set in 1975.



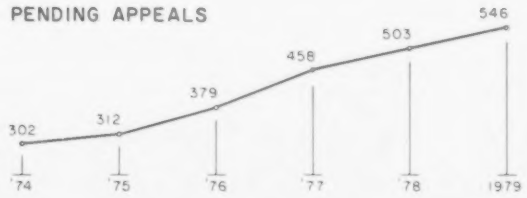
As evidence of its increased productivity, the Supreme Court produced its highest number of majority opinions ever, with 188 majority opinions, a 20 per cent increase over the 1978 total.

Supreme Court Majority Opinions

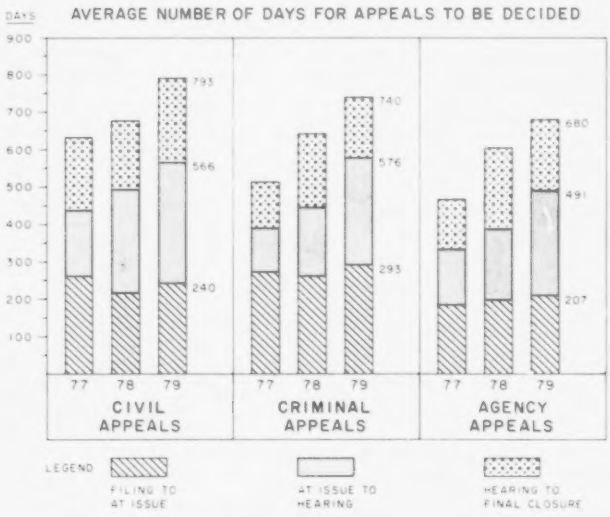
Calendar Year	Opinions
1979	188
1978	157
1977	169
1976	136
1975	176
1974	182
1973	115
1972	123
1971	125
1970	92
1969	110
1968	119

Despite the Court's increased productivity, the Justices fell farther behind in the number of appeals still awaiting decision. The impact of ever-increasing numbers of new appeals on the Court's pending workload is a matter of serious concern to the Supreme Court and the legal community. The total number of appeals pending

before the Court has risen steadily and sharply since 1974. At year's end there were 546 appeals which had been filed with the Court and still have not yet been completed.



Raw numbers of pending appeals do not tell the whole story: the amount of time people must wait to have their cases decided by the Idaho Supreme Court has increased to unacceptable proportions. During 1979, it took an average of 763 days from the time when an appeal was filed with the Supreme Court until the Court finally completed its work on the case. This statistic alone cannot tell the full story of a businessman who waits for two years for a final decision while his business goes bankrupt, the defendant who must wait for two years before he learns whether his conviction will be upheld, or the rate payer or the blue collar worker who must wait for two years to find out whether a rate increase or unemployment payments will be made.



The Supreme Court was again fortunate to have the assistance of a number of district judges, who served as temporarily appointed Justices when there were disqualifications and when additional assistance was needed during 1979: Hon. Charles Scoggin, Hon. Gerald F. Schroeder, Hon. Robert Dunlap, Hon. J. Ray Durtschi, Hon. Boyd R. Thomas, Hon. Douglas D. Kramer, Hon. Dar Cogswell, Hon. Jesse R. Walters, Hon. Robert M. Rowett, Hon. John H. Maynard, Hon. James G. Towles, Hon. George W. Hargraves, Hon. W. E. Smith, Hon. Arnold T. Beebe, Hon. Watt E. Prather, Hon. Roger Swanstrom, Hon. Edward J. Lodge, and Hon. Theron Ward.

Structural Change in Appellate System Recommended

Because of the problems created by the growing appellate backlog, the Idaho Supreme Court has recommended that the Legislature consider making structural changes in the state's appellate system. A number of structural changes have been discussed and debated throughout the state, including creation of an intermediate court of appeals, expansion of the Supreme Court, expansion of the Supreme Court with the Justices sitting in panels, and creation of a panel of district judges to sit as an intermediate court. The Supreme Court itself appointed a "blue ribbon" committee in 1977 to study the problem, and that committee recommended that the Legislature create an intermediate court of appeals. However, legislation to create a court of appeals has failed in the House of Representatives in two successive legislative sessions.

Idaho is faced with an ever escalating appellate backlog, with delays lengthening almost monthly. Already, the backlog is so great that it may take several years for any structural remedy to be felt. Unless Idaho stops growing or people stop litigating, the situation promises to worsen. It is hoped that the Legislature will respond to this appellate crisis.

Copies of the blue ribbon committee report, "An Investigation into the Problems Created by the Growing Appellate Caseload in Idaho," are available upon request from the Administrative Office of the Courts.

Trial Courts Caseload Goes Over 300,000

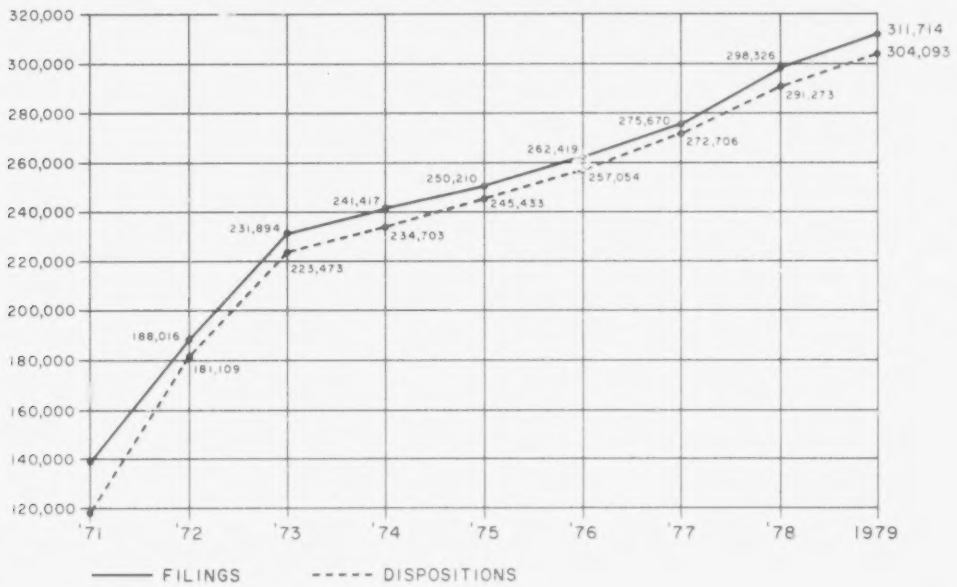
No scoreboards flashed, but 1979 was the year when the Idaho courts first broke the 300,000 barrier for new case filings. When all filings in the district court and magistrate division were recorded, the 1979 total of 311,714 new cases was a 4.5 per cent increase over the 1978 total of 298,326 filings.

The gains in filings occurred in the magistrates division, where new cases rose from 287,052 in 1978 to 300,655 in 1979, a 4.7 per cent increase. Almost all — 99 per cent — of the increase in magistrate case filings in 1979 can be attributed to two counties in the state: Ada and Canyon Counties.

The 4.5 per cent increase in new case filings in 1979 may signal a leveling off of the trial court caseload, since annual caseload increases in recent years have averaged about 5 per cent. However, trial judges report that individual cases have become more complex, and that the time required to dispose of a case has expanded.

Idaho has been fortunate that its legislature has provided judicial resources to meet continuing caseload increases in the trial courts. Additional district judges and magistrates provided over the last several years have enabled the judiciary to continue to increase its level of case dispositions. District judges and judges of the magistrate division increased their disposition of all cases by 4.4 per cent over 1978, disposing of 304,093 cases during the past calendar year, as compared with 291,273 in 1978. However, the

CASE FILINGS AND DISPOSITIONS IN TRIAL COURTS



Since 1971, when the integrated district court and magistrates division were created, statewide case filings have increased by 142 per cent. While a number of factors influence caseload increases, two of the most important contributing factors in the increase of the trial court caseload over this period of years seem to be the growth of Idaho's population and the increased number of attorneys admitted to practice. Between 1970 and 1979, the state population has increased by 182,000 people, and the number of attorneys licensed to practice in Idaho has grown from 700 in 1970 to 1,512 by the end of 1979.

increase in new cases caused a 16 per cent increase in the number of pending cases at the end of 1979, as compared with 1978. The number of pending cases on December 31, 1979, was 54,329. The relationship between pending cases and the time taken to dispose of these cases must be watched carefully, to insure that judicial resources are maintained at the needed level in future years.

The average number of new cases filed for each district judge in the state in 1979 was 395 cases, while the average for judges of the

magistrates division was 3,956 new cases. This compares with new case filings in the prior year of 403 cases per district judge and 4,101 new cases per magistrate. The district judges disposed of an average of 356 cases per judge during the year, while the judges of the magistrates division averaged 3,870 dispositions per judge.

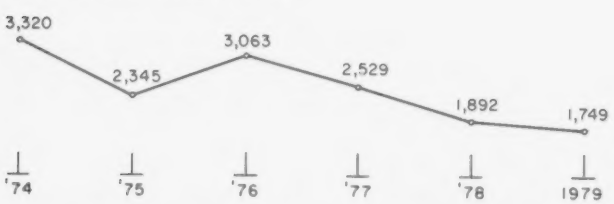
Of the civil cases which received final judgment in the trial courts in 1979, 20,930, or 49.7 per cent, received a trial or hearing. Of these, 6,792 were disposed of with a court or jury trial. On the criminal side, 98 per cent of these cases were disposed of through pleas or dismissals, while 4,797 or 2 per cent, received a court or jury trial.

(A more detailed summary by case type, showing filings, dispositions and pending cases for the district court and magistrate division statewide, by district and by county, is contained in the appendix to this report. The appendix is available upon request from the Administrative Office of the Courts.)

Drug Cases Again Decline

After a 17 per cent drop in the number of drug abuse complaints filed in the state in 1976 and 1977, and a 25 per cent decline in 1978, criminal complaints charging drug abuse violations fell by 7.6 per cent in 1979, to only 1,749 total complaints in the district court and magistrate division.

DRUG ABUSE COMPLAINTS



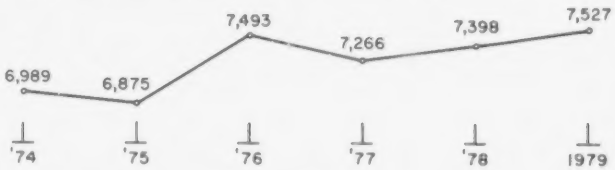
Petitions against juveniles for drug abuse charges dwindled to 71 statewide, down from 107 petitions in 1978. Petitions against juveniles represented 4 per cent of the total drug abuse case filings in Idaho.

As a result of the decline in new cases filed, the trial courts disposed of 7.5 per cent fewer drug abuse cases in 1979 than in 1978, making final judgments in 1,782 cases in 1979, as compared with 1,926 cases in 1978.

Juvenile Petitions Remain Level

In special proceedings, the number of new Youth Rehabilitation Act petitions increased slightly but remained generally at a level consistent with prior years. The 1979 total of 7,527 new petitions was a 1.7 per cent increase from the 1978 total of 7,398 petitions. This rather steady level of new juvenile cases filed with the courts, when compared with Idaho's population growth over the same period, and generally increasing juvenile crime rates in other states, probably evidences the successful efforts of courts and social agencies to divert less serious juvenile charges from the courts. With the leveling off of the number of youths placed in institutional settings reported by the state Department of Health and Welfare, along with the increased involvement of private citizens and agencies in prevention and treatment programs for juveniles, juvenile court caseloads are seen as favorable trends.

YOUTH REHABILITATION ACT PETITIONS



The magistrate division completed 7,239 petitions under the Youth Rehabilitation Act in 1979, 4.4 per cent more than the 6,935 petitions disposed in 1978.

Magistrate Division Appeals

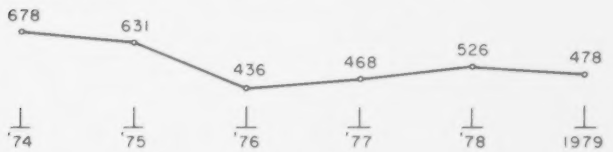
Appeals from the magistrate division continued to occupy a significant amount of time for Idaho's district court judges. In most cases, appeals from the magistrate division are heard by a district judge based on a certified transcript prepared from an electronic recording of the proceedings in the magistrate division, although in small claims cases, district judges hear appeals on the basis of a new trial or trial *de novo*. During 1979, 366 appeals in the magistrate division were filed in district courts throughout the state, an 8.3 per cent increase over the 338 filings in 1978, with district judges disposing of a total of 328 appeals by the end of the year.

Child Protective Act Petitions Remain Down

Amendments to the Child Protective Act which took effect in 1976 appear to be keeping

down the number of formal petitions under the Act. The Department of Health and Welfare is now authorized to resolve informally certain complaints of child abuse, neglect or abandonment, which may explain the lower number of formal case filings which has been the trend since 1976. The 1979 total of 478 petitions was a decrease of 48 cases from the 1978 total. Of the cases of neglect and abuse coming before the courts in 1979, the courts dealt finally with 467, slightly less than the 1978 total of 481 dispositions. The 1978 total petitions filed continues the downward trend from the 1974 and 1975 totals, showing the impact of the 1976 Act.

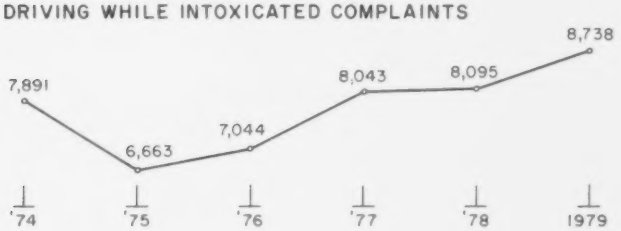
CHILD PROTECTIVE ACT PETITIONS



Alcohol-Related Driving Cases Accelerate

The number of complaints charging adult defendants with driving under the influence of alcohol has risen steadily since 1975. Alcohol-related driving complaints filed with the courts jumped 7 per cent from the 1978 total of 8,095 cases to 8,738 complaints. The 1979 figures appear to confirm an undesirable trend upward in alcohol-related driving incidents brought to the attention of the courts. While more aggressive enforcement, rather than increased alcohol usage, could be a cause of the increased case filings, the 1979 level of alcohol-related activities are cause for concern for state officials and persons using the public highways.

DRIVING WHILE INTOXICATED COMPLAINTS



How Long Justice Is Taking

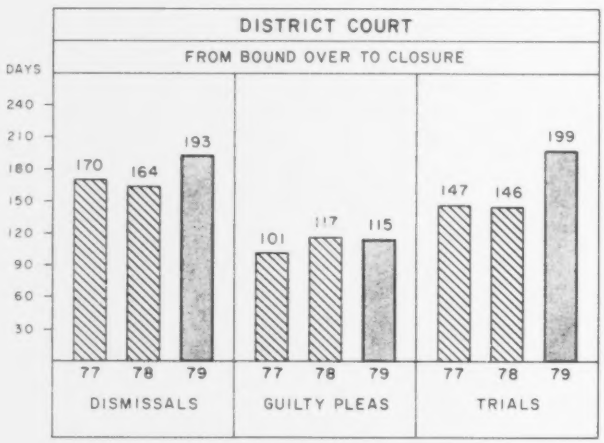
In many cases, the amount of time it takes to get a decision is almost as important as the decision itself. How can one measure how long a defendant should wait in a jail cell before his case is heard, or what is a reasonable wait for a parent in a child custody action? While Idaho has never experienced the five-year trial delays of some of the urban states, the judiciary nevertheless is concerned about delay and has begun measuring its performance.

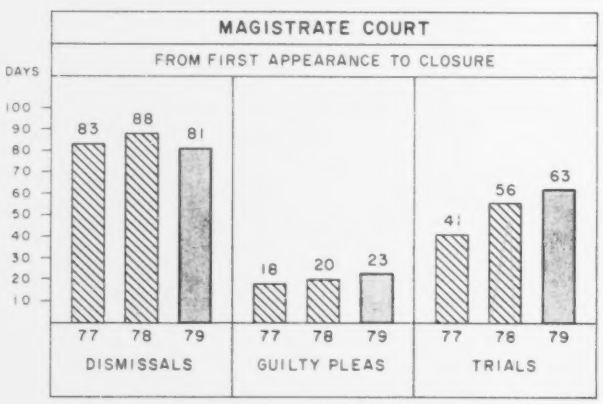
Even after a case has been filed in court, there are many reasons for delay which are beyond the courts' control. Problems in scheduling witnesses, late filing of attorney briefs, extensions of time to obtain appointed counsel, and extra time needed for presentence reports can delay final disposition of a case.

For years civil case operating times have been left up to the individual litigants, although recently the courts have become more active in moving the civil calendar. Criminal cases always have received a priority in court scheduling. With the help of statutory time limits for certain procedures, criminal case processing times are much less than civil cases. The following charts show the average processing times for criminal cases.

While the averages never can tell the story of delay in an individual case, they do help describe the overall picture of court operations. Fortunately, the Idaho Legislature has recognized the importance — and the real costs — of court delay, and consistently has provided the additional trial court judges which have been needed in recent years to meet in timely fashion the rising caseloads caused by the state's growth and development.

CRIMINAL CASE PROCESSING





The Cost of Operating the Courts

Idaho's courts are financed by a combination of state, county and municipal expenditures. State general fund monies finance the salaries and travel expenses of all trial judges, trial court administrators, and court reporters. The state also finances judicial training programs for trial judges and support personnel.

Counties and three municipalities contribute to the operational costs of the trial courts. Counties, and in a few cases cities, provide court physical facilities: courtrooms, judges' offices, judicial chambers. They also provide expenditures for court personnel, supplies, equipment, and law libraries.

The Administrative Office of the Courts manages the fiscal operations of the state judiciary, including payroll operations, travel expense reimbursements, accounts payable operations, capital expenditures and employee benefit operations. The annual appropriation request to the legislature is prepared by the Administrative Office, and the office monitors state judicial expenditures throughout the fiscal year.

State expenditures for fiscal 1979 on behalf of the courts totaled $5,502,760. An idea of the proportion of state expenditures for courts as compared with total state expenditures can be gained from the following diagram:

JUDICIAL EXPENDITURES AS A PERCENTAGE OF TOTAL STATE EXPENDITURES

FISCAL YEAR 1979

Local government expenditures for the trial courts are approximately 9.5 million dollars annually, including personnel costs of approximately 7.9 million dollars, support staff, equipment and supplies, remodeling, and maintenance. Courthouses and related court facilities provided by local governments have a fair rental value of approximately 2 - 2.7 million dollars, or a 21-33 million dollar replacement cost.

The trial courts generate revenues from civil case filing fees, criminal fines and forfeitures, and court costs assessed against defendants. Revenues derived from civil case filing fees are distributed to the state and counties, with a portion going to the judges' retirement fund and code commission funds. Criminal court costs and fines are distributed to state, county, and municipal governments by a complicated formula, as illustrated on the following page.

During 1976, the Idaho Legislature created a "district court fund," into which the county share of court fees, costs, and fines are channeled. Previously these monies had been allocated to the county current expense funds. The new law places the responsibility for development of trial court budgets and monitoring of expenditures on the administrative judge and trial court administrator in each judicial district.

Beginning July 1, 1979, cities which provide magistrate court facilities began receiving $5.00 of every $10.00 court cost fee which is assessed by law upon a finding of guilty in a criminal prosecution. Since only two cities provide such facilities, in most cases the $10.00 court cost fee is equally divided between the county district court fund and the state general fund.

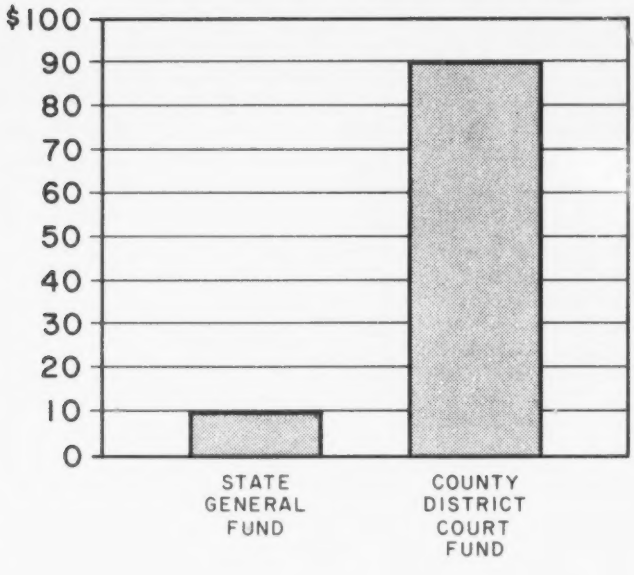
During fiscal 1979, $933,614 was collected by the trial courts from civil case filing fees, with $249,888 going to the state general fund, $270,748 to the county district court funds, $263,411 to the judges' retirement fund, and $149,567 to the code commission fund.

It is estimated that almost seven million dollars was assessed by the trial courts as fines and costs during 1979 (exact figures on the amount of fines and costs actually collected are not available, since there presently is no statutory requirement for their compilation, and since records concerning collections are kept in a variety of state and county offices), with proportionate amounts allocated to the state, counties, and cities.

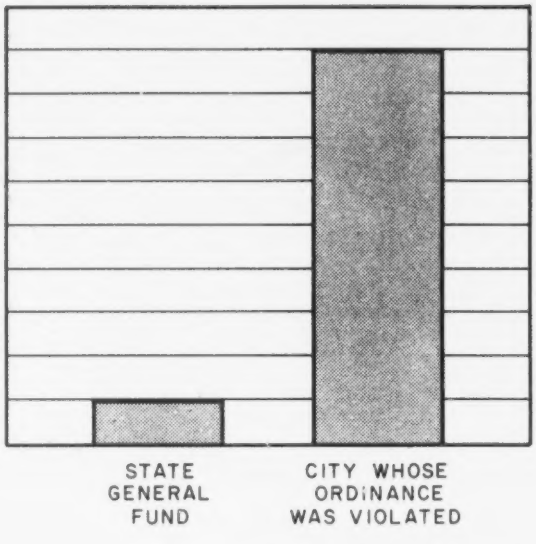
When all government expenditures for court operations are considered, the courts return approximately fifty per cent of their costs to all units of government in the form of revenues derived from filing fees, court costs, fines and forfeitures.

AVERAGE DISTRIBUTION OF $100.00 IN FINES

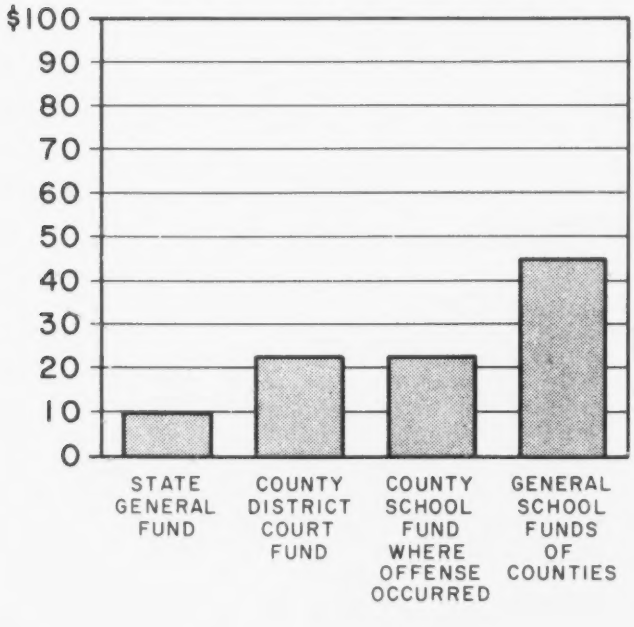
GENERAL STATE LAWS AND COUNTY ORDINANCES



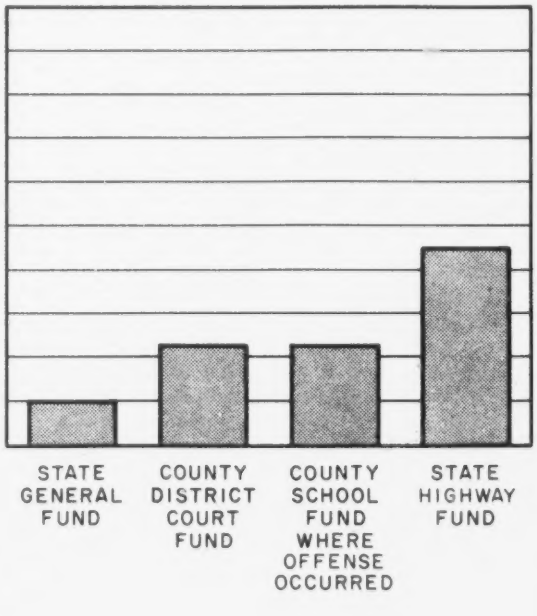
CITY ORDINANCE



FISH AND GAME LAWS



STATE MOTOR VEHICLE LAWS



New Programs and Developments

Cameras in the Courtroom

> "I hope that the experiment will help educate the public about the judicial process and heighten citizen awareness of legal rights and responsibilities."
>
> . . . Idaho Supreme Court
> Chief Justice
> Charles R. Donaldson

With those words, Chief Justice Charles R. Donaldson signed an order on August 27, extending authorization for live broadcasting of Supreme Court proceedings in Boise for an indefinite period and allowing a one-year experiment with broadcast coverage during its terms of court in locations outside of Boise. The Court's action followed a seven-month experimental period with broadcast and photographic coverage of appeals in the Boise courtroom, which saw intense coverage by local television and radio stations and several still photographers for daily newspapers and the wire services during the early weeks of the experiment. Though coverage declined during the latter months, the experiment progressed without incident and was marked by professionalism on the part of the media and cooperation with court officials.

Expansion of coverage marks the first time in Idaho history that broadcast and photographic coverage of court proceedings will be allowed during an actual court hearing outside of the Supreme Court courtroom in Boise. The Idaho Supreme Court is one of the last circuit-riding Supreme Courts in the nation, traveling to locations throughout the state to hear oral arguments and appeals from district courts and administrative agencies. Under Idaho law, the Supreme Court must hold terms of court annually in Lewiston, Coeur d'Alene, Twin Falls, and Pocatello, as well as its regular sittings in Boise.

Broadcast and photographic coverage is limited to accredited members of the working press, and is subject to guidelines limiting location and numbers of television cameras and still photographers.

Modernization of Court Rules

During 1979, the Idaho Supreme Court completed an historic modernization of its procedural rules. Working through volunteer commitees of lawyers and judges chaired by Justice Robert E. Bakes, the Court had begun in 1973 a multi-year project to complete a comprehensive revision of its court rules, some of which had not been revised since territorial days. Following earlier revisions of the civil, appellate, and internal rules, the Court completed in 1979 a modernization of its criminal, traffic and administrative rules, the latter three sets of rules scheduled for promulgation and distribution in the spring of 1980.

Early in 1980, the Supreme Court will arrange for a publication of all of its modernized rules — civil, appellate, juvenile, internal, criminal, traffic, and administrative — in one rules volume, to be published by the Bobbs-Merrill Company, to be known as the "Idaho Court Rules." Standing committees for the various rules sections will continue to meet periodically to keep the rules current and to deal with recommended changes.

Court Facilities Study

In September of 1979, a broad-based advisory committee submitted its final report on the condition of court facilities throughout the state. The final report provides an inventory of all state court physical facilities and establishes facility design guidelines, with applications for both urban and rural courthouses. Recommendations in the final report include methods to upgrade existing facilities and facilities needs for district court clerk offices, as well as suggestions for improving access to court buildings for handicapped persons. The final report prioritizes facilities needs in each judicial district and statewide, and provides cost estimates for various alternative approaches toward upgrading local facilities.

The final court facilities study report and recommendations were sent to each administrative district judge and trial court administrator, the chairman of the board of county commissioners in each county, district court clerks, members of the state bar commission, the Idaho Law Foundation, and each of the seven district bar presidents. Members of the advisory committee were: Mr. Eugene Ingalls, Chairman; Mr. Carl F. Bianchi; Mr. Thomas H. Gonser; Hon. Warren H. Gilmore; Ms. Doris L. Kenney; Mr. B. James Koehler, Jr.; Hon. Douglas D. Kramer; Ms. Frances Philpot; Hon. Watt E. Prather; Mr. Donald S. Rex; Ms. Virginia Ricketts; Mr. Blaine Skinner; Hon. Duane C. St. Marie; and Mr. J. D. Williams.

Efforts already are under way to implement facilities improvements recommended in the study. Administrative district judges and trial

court administrators from each judicial district have been asked to build the facilities study recommendations into a facilities component of their annual district plans, and the Supreme Court has set itself the goal of seeking to obtain improvement in the court facility identified by the study as having the number one priority in the state: a new traffic court facility for Ada County.

Supreme Court Computer Operations

During 1976, the Supreme Court installed its own mini-computer, purchased with a federal grant. This dedicated hardware allows the Supreme Court to expand its computerized systems applications beyond the basic trial court caseload monitoring system which has been in effect since 1973. A new appeals management system begun in 1977 has allowed the Supreme Court to monitor pending appeals and supervise the production of transcripts by district court reporters. During 1978, the Supreme Court Law Library became one of the only state law libraries in the country to produce catalog cards via a computer terminal. Library personnel enter reference information through an on-line terminal, and the Supreme Court mini-computer automatically produces a series of subject and author cards for the library card catalog.

In the fall of 1979, the Supreme Court Clerk's office began transferring over to a computer-based system which automates many of the clerical functions now being performed manually in the Supreme Court clerk's office, including case scheduling, production of a register of actions, and notification to attorneys.

Along with the automated personnel record system established in 1977, the new library and Supreme Court clerk's office computer systems have helped the Surpeme Court avoid adding additional administrative staff during the last several years, in spite of growing caseloads and court responsibilities.

Records Storage

Court records have been stored in local court offices on an indefinite basis since territorial days, and while most records have no historical significance, their continued storage is an expense to local counties. Although microfilming processes can reduce the amount of space required to store such materials, the microfilming process itself is expensive, and additional county personnel are required to undertake a microfilming program. In 1978, the seven district trial court administrators worked with the Administrative Office of the Courts to assist county clerk personnel in preparing inventories of civil case records and in destroying those records that are no longer needed. In Ada County alone, several thousands of dollars were saved on cancelled storage file orders.

During 1979, legislation proposed by the Administrative Office of the Courts was enacted to limit the Uniform Post Conviction Procedure Act in order to allow cutting back on the storage requirements of outmoded criminal records. To implement the new legislation, the Supreme Court adopted as part of its new criminal rules of procedure a retention and destruction schedule for certain criminal case records, allowing counties for the first time to dispose of many outdated criminal case records.

Press Guide to the Idaho Courts

Staff turnover and the arcane language and procedures of the judiciary have always made it difficult for broadcast and print news organizations to report accurately on events in the Idaho courts. The need for educational and informative materials explaining the operations of the state court system long have been apparent.

In September of 1979, the Administrative Director of the Courts appointed a bench-press committee to develop a press guide to the Idaho courts. Chaired by District Judge Gerald Schroeder, the committee has been asked to review bench-press publications in other states, and to prepare for publication a package of educational materials about the Idaho court system for use by new reporters and reporters assigned to cover court happenings. When completed these educational materials will be published by the Administrative Office of the Courts and made available to all working press organizations in the state.

Other members of the committee, in addition to District Judge Schroeder are: Carl F. Bianchi, Administrative Director of the Courts; Mindy Cameron, Lewiston Morning Tribune; Pat Costello, KBCI-TV2; Jim Dean, Idaho Statesman; Mike Gee, KPVI-TV6; Hon. Patricia Gillespie, Magistrate of the District Court; W. Craig James, Judicial Education Officer; Marc Johnson, KAID-TV4; Bill Moon, Idaho Newspaper Association, Inc.; Hon. Karen Vehlow, Magistrate of the District Court; and Marc Wilson, Associated Press.

Other Developments

Other court developments during 1979 included:

- In August of 1979, the Fourth Judicial

District established a microwave transmission link which will allow video communication between the Ada County Courthouse and the joint City-County Law Enforcement Facility. Under a Supreme Court order issued in 1978, the video communications system allows judges to arraign criminal defendants being held in the joint law enforcement facility via video transmission, without the necessity of transporting criminal defendants to the Ada County Courthouse. The new system, perhaps unique in the country, is expected to save local government units in Ada County thousands of dollars in security personnel and transportation costs. Initial reactions to this system have been favorable, especially from defendants, many of whom feel the video arraignment is more "intimate" than an actual courtroom appearance.

- The state of Idaho has a tremendous investment in the abilities and performance of its judges, many of whom long outlast changes in executive administrations and turnovers in the legislative branch of government. As part of the Supreme Court's career development program, a two-day seminar for judges on the topic of "Judicial Burnout" was held in November of 1979. The seminar presented mechanisms for maintaining motivation and handling the continuing stress found in judicial positions.
- Working with the Division of Public Works and the Coalition of Advocates for the Disabled, the Supreme Court completed remodeling of the Supreme Court Building to provide greater access to handicapped persons.
- The Administrative Office of the Courts began exploring the possible use of bank credit cards for payment of traffic fines and costs. In spite of a lack of cooperation on the part of some financial institutions and accounting impediments, a report on the feasibility of the use of credit cards is expected during 1980.
- An evidence correspondence course begun for Idaho magistrates in 1978 has been continued on an indefinite basis due to its favorable reception. Magistrates participating receive, monthly, study materials and research problems to sharpen skills in applying evidence laws to pending cases.
- A new magistrates' courtroom and offices were dedicated for court use in Washington County in the fall of 1979, culminating two years of effort by court and county officials to achieve this facility improvement.
- A specialty seminar on judicial sentencing was held for all judges, including panel discussions on disparity in sentencing and a tour of the Idaho State Penitentiary.
- Blaine County officials completed construction and furnishing of a new courthouse housing courtrooms and offices for a resident district judge and magistrate. The district courtroom's "courtroom in the round" design is one of the most dramatic in the state.
- A juvenile law seminar was held for Idaho magistrates in the spring of 1979, featuring professional, medical and pathological lecture topics covering child abuse and neglect.
- The Supreme Court successfully proposed legislative amendments to the Idaho Code concerning uniform citations, and promulgated new rules and standard forms to establish a uniform misdemeanor citation for use by all courts, allowing a streamlined procedure for issuing a summons to defendants in certain criminal cases and avoiding needless arrests.
- In conjunction with distribution of the Clerk of the District Court Manual, one day seminars were held in each judicial district in the state for deputy and assistant district court clerks to provide training in court-related duties. A new series of orientation training programs for new court clerk staff was kicked off with a three-day program in the Third Judicial District in October. Training programs have been developed and presented with the cooperation of the 44 Idaho district court clerks, and with consultant services from former District Court Clerk Virginia Ricketts.

Number of Judges

The 1979 Idaho Legislature approved a new district judge position in the First Judicial District, with resident chambers in Kootenai County, effective January 1, 1980. No new magistrate positions were added to the judiciary during the 1979 legislative session, but two non-attorney magistrate positions were changed to lawyer magistrate positions by the Seventh Judicial District Magistrate Commission.

There are now 29 district judge positions authorized by state law and a statewide total of 70 magistrates. Forty-eight of the magistrates are lawyers, and 22 are non-attorney magistrates.

1979 Legislation Affecting the Courts

The first regular session of the 45th Idaho Legislature saw the first of what could become a series of mandatory minimum sentencing bills. Passage of the bill, H.B. 118, followed adoption by the voters of a resolution to amend the Idaho Constitution in November of 1978 to allow the Legislature to provide mandatory minimum sentences for any crime. The new sentencing law, which went into effect on July 1, 1979, provides a mandatory penalty of not less than three nor more than fifteen years in the state penitentiary for conviction of a subsequent felony after a previous felony where a firearm or a deadly weapon is involved in the subsequent felony. As enacted, the new law has a narrow application, and it is not known whether additional mandatory sentencing legislation will be presented in the 1980 session of the Idaho Legislature.

Also enacted in 1979 was a law limiting the time within which an action may be filed under the Uniform Post-Conviction Procedure Act, opening the way for adoption of a court rule to allow destruction of out-dated criminal records.

A bill supported by the judiciary was approved making across-the-board increases in civil case filing fees and criminal court costs. Approved by a wide margin in both houses, it raises court costs from $7.50 to $10.00 for each person found guilty of a crime after July 1, 1979.

The Legislature approved a new district judge position for the First Judicial District, with resident chambers in Kootenai County, with the new position to begin on January 1, 1980.

As a cost-saving measure, district court clerks joined with the Administrative Office of the Courts to obtain passage of legislation clarifying when preliminary hearing examinations are required to be transcribed, eliminating unnecessary expenses related to transcription.

Legislation recommended by the Supreme Court's Criminal Rules Committee and supported by the State Department of Law Enforcement removed conflicts with court rules, allowing the court to adopt a single, comprehensive uniform misdemeanor citation to be used by law enforcement officers throughout the state.

An attempt to postpone the effective date for county compliance with minimum standards for juvenile detention facilities passed by the Legislature in 1978 failed in the Senate Judiciary and Rules Committee. Minimum standards for juvenile detention facilities went into effect on July 1, 1979.

One major court recommendation did not receive favorable consideration by the first session of the 45th Idaho Legislature: no legislation was passed to effect a structural change in Idaho's appellate court system.

Other legislation which was enacted during the 1979 legislative session which affects the courts includes:

HB 17 Authorizes the State Board of Medicine to discipline physicians for the commission of any act constituting a felony or crime involving moral turpitude or abuse or exploitation of a patient resulting from trust and confidence in the physician by the patient. 1979 Idaho Session Laws, Chapter 58, effective July 1, 1979.

HB 45 Establishes duties, responsibilities and liabilities for ski area operators, skiers, operators of aerial tramways and passengers. 1979 Idaho Session Laws, Chapter 270, effective July 1, 1979.

HB 46 Allows the hunting of raccoon by artificial light; clarifies provision of law relating to prima facie evidence of hunting with an artificial light. 1979 Idaho Session Laws, Chapter 196, effective July 1, 1979.

HB 82 Limits access to criminal identification information to authorized agencies. 1979 Idaho Session Laws, Chapter 204, effective July 1, 1979.

HB 83 Limits the time within which defendants can challenge a conviction under the Uniform Post-Conviction Procedure Act. 1979 Idaho Session Laws, Chapter 133, effective July 1, 1979.

HB 84 Clarifies length of initial, appointed terms of magistrates. 1979 Idaho Session Laws, Chapter 149, effective July 1, 1979.

HB 101 Provides that conservation officers who receive certification from the Peace Officers Standards and Training Advisory Council shall have the same authority as peace officers. 1979 Idaho Session Laws, Chapter 134, effective July 1, 1979.

HB 109 Provides that anyone convicted of maliciously killing or mistreating an animal shall be punished by a jail sentence of not more than six months and/or fined not more than $1,000.

1979 Idaho Session Laws, Chapter 183, effective July 1, 1979.

HB 118 To establish mandatory minimum sentences for certain felonies. 1979 Idaho Session Laws, Chapter 315, effective July 1, 1979.

HB 119 Updates and revises the Uniform Commercial Code as it relates to security interests in personal property and fixtures; makes the Code uniform with other states. 1979 Idaho Session Laws, Chapter 299, effective July 1, 1979.

HB 144 Allows the Department of Health and Welfare to retain private counsel to carry out duties relating to child support enforcement. 1979 Idaho Session Laws, Chapter 201, effective July 1, 1979.

HB 150 Makes it illegal for one to have a mutilated or illegible drivers' or chauffeurs' license in one's possession or on display. 1979 Idaho Session Laws, Chapter 69, effective July 1, 1979.

HB 163 Defines those areas of responsibility and affirmative acts for which outfitters and guides shall be liable for loss, damage or injury and to define those risks which the participant assumes and for which there can be no recovery. 1979 Idaho Session Laws, Chapter 317, effective July 1, 1979.

HB 200 Directs magistrates to revoke hunting and fishing licenses upon conviction of a person for hunting or fishing during closed season, excessive limit in possession, using unlawful means of fishing and unlawful possession of a license; sets forth fine and/or jail sentences for violations. 1979 Idaho Session Laws, Chapter 95, effective July 1, 1979.

HB 203 Requires that fish and game licenses be in possession of the owner at all times when hunting or fishing and must be displayed upon demand by an authorized person; provides that there shall be no confiscation for failure to have a license if a license, valid at time of arrest, is produced in court. 1979 Idaho Session Laws, Chapter 96, effective July 1, 1979.

HB 210 Provides that drawing or passing a check with insufficient funds with a value over $50, rather than $25, shall be a felony and under $50 a misdemeanor; sets forth that the court may order restitution as a condition of probation; establishes that anyone with a standing right to an insufficient check may file a complaint. 1979 Idaho Session Laws, Chapter 214, effective July 1, 1979.

HB 211 Provides that a transcription of a preliminary hearing shall be as ordered by the district court. 1979 Idaho Session Laws, Chapter 206, effective July 1, 1979.

HB 265 Prohibits use of high-altitude decompression chamber to kill a dog or cat. 1979 Idaho Session Laws, Chapter 300, effective July 1, 1979.

SB 1008 Adds new chapters to the Idaho Code to enact a new Idaho Bank Act. 1979 Idaho Session Laws, Chapter 41, effective July 1, 1979.

SB 1011 Increase of civil case filing fees, court costs and fees charged by district court clerk offices. 1979 Idaho Session Laws, Chapter 219, effective July 1, 1979.

SB 1038 Makes Supreme Court Chief Justice and Administrative Director of Courts voting members of Law Enforcement Planning Commission. 1979 Idaho Session Laws, Chapter 113, effective March 22, 1979.

SB 1069 Recodification of Idaho laws on general business corporations. 1979 Idaho Session Laws, Chapter 105, effective July 1, 1979.

SB 1082 Provides that doctors and others licensed to practice medicine and surgery shall be entitled to a lien for reasonable charges for medical care and treatment rendered an injured person. 1979 Idaho Session Laws, Chapter 302, effective July 1, 1979.

SB 1096 Provides that a creditor has liability under the provisions of the Uniform Consumer Credit Code in lieu of and not in addition to liability under the Federal Truth-in-Lending Act. 1979 Idaho Session Laws, Chapter 49, effective July 1, 1979.

SB 1098 Adopts Motion Picture Fair Bidding Act, prohibiting blind bidding and establishes rules for procuring and distributing motion pictures in Idaho. 1979 Idaho Session Laws, Chapter 119, effective July 1, 1979.

SB 1099 Requires Idaho motorists to carry proof of automobile liability insurance.

1979 Idaho Session Laws, Chapter 150, effective July 1, 1979.

SB 1115 Adopts an Idaho Nonprofit Corporation Act which recodifies provisions of law dealing with non-profit corporations. 1979 Idaho Session Laws, Chapter 159, effective July 1, 1979.

SB 1121 Adopts the uniform Federal Lien Registration Law. 1979 Idaho Session Laws, Chapter 226, effective July 1, 1979.

SB 1149 Increases the number of district judges in the First Judicial District from three to four; provides that the additional judge shall have resident chambers in Kootenai County. 1979 Idaho Session Laws, Chapter 223, effective January 1, 1980.

SB 1151 Authorizes a district court or the magistrate division to waive costs in civil actions for indigent persons and payment for costs to be out of the district court fund. 1979 Idaho Session Laws, Chapter 222, effective March 30, 1979.

SB 1152 Allows testimony of a spouse in any case or attempted case of lewd and lascivious conduct where either party would otherwise be protected by this privilege of confidential relationship. 1979 Idaho Session Laws, Chapter 151, effective July 1, 1979.

SB 1153 Establishes competency of a husband or wife to testify against the other in cases involving acts or physical injury upon a minor child caused by physical abuse, neglect or acts of lewd conduct. 1979 Idaho Session Laws, Chapter 152, effective July 1, 1979.

SB 1156 Prohibits and defines assaults, batteries, aggravated assaults, aggravated batteries, assaults with intent to commit a serious felony, batteries with the intent to commit a serious felony, the felonious administering of drugs, abuses of school teachers, etc.; sets forth penalties for violations. 1979 Idaho Session Laws, Chapter 227, effective July 1, 1979.

SB 1159 Establishes provisions of law allowing a judge or magistrate to issue a warrant for a person charged with a crime in another state; provides that a person charged with a crime in another state, which would be punishable by death or life imprisonment, may be arrested without a warrant and establishes time limit a person may be held before a hearing; sets forth provisions for commitment while waiting for requisition. 1979 Idaho Session Laws, Chapter 228, effective July 1, 1979.

SB 1174 Authorizes a peace officer to make an arrest when there is reasonable cause to believe that the person arrested has committed an assault or battery. 1979 Idaho Session Laws, Chapter 307, effective July 1, 1979.

SB 1186 Provides that a law enforcement officer may issue a uniform citation rather than a sworn complaint for any misdemeanor triable before a magistrate; requires that the citation shall be in a form prescribed by the Supreme Court. 1979 Idaho Session Laws, Chapter 165, effective July 1, 1979.

Index to Exhibits

Exhibit A: IDAHO JUDGES

Exhibit B: ADMINISTRATIVE JUDGES AND TRIAL COURT ADMINISTRATORS

Exhibit C: DISTRICT COURT CASES

Exhibit D: MAGISTRATE DIVISION CASES

Exhibit E: SUPREME COURT CASELOAD

Exhibit A

IDAHO JUDGES

District Court Judges

JUDICIAL DISTRICT ONE
- The Honorable Watt E. Prather, Administrative Judge
- The Honorable James G. Towles
- The Honorable Dar Cogswell

JUDICIAL DISTRICT TWO
- The Honorable John H. Maynard, Administrative Judge
- The Honorable Andrew Schwam
- The Honorable Roger Swanstrom

JUDICIAL DISTRICT THREE
- The Honorable Edward J. Lodge, Administrative Judge
- The Honorable Gilbert C. Norris
- The Honorable Jim R. Doolittle
- The Honorable Lloyd C. McClintick

JUDICIAL DISTRICT FOUR
- The Honorable Robert M. Rowett, Administrative Judge
- The Honorable J. Ray Durtschi
- The Honorable W. E. Smith
- The Honorable Gerald F. Schroeder
- The Honorable Jesse R. Walters
- The Honorable Robert Newhouse

JUDICIAL DISTRICT FIVE
- The Honorable Douglas D. Kramer, Administrative Judge
- The Honorable Theron W. Ward
- The Honorable James M. Cunningham
- The Honorable Sherman J. Bellwood
- The Honorable George Granata, Jr.

JUDICIAL DISTRICT SIX
- The Honorable Arthur P. Oliver, Administrative Judge
- The Honorable George W. Hargraves
- The Honorable Francis J. Rasmussen

JUDICIAL DISTRICT SEVEN
- The Honorable Boyd R. Thomas, Administrative Judge*
- The Honorable Willard C. Burton
- The Honorable Arnold T. Beebe**
- The Honorable H. Reynold George

*Served as Administrative Judge through June 30, 1979
**Assumed office of Administrative Judge on July 1, 1979

Judges of the Magistrate Division

JUDICIAL DISTRICT ONE
- The Honorable Richard L. McFadden
- The Honorable Quentin Harden
- The Honorable Craig C. Kosonen
- The Honorable Lennis McLeod
- The Honorable Virginia R. Balser
- The Honorable Albert H. Parisot, Jr.
- The Honorable Donald F. Gumaer
- The Honorable Hardy C. Lyons
- The Honorable John T. Ramstedt
- The Honorable Don L. Swanstrom*

JUDICIAL DISTRICT TWO
- The Honorable Ralph H. Haley
- The Honorable Robert T. Felton
- The Honorable Martin V. Huff
- The Honorable D. K. Worden, Jr.
- The Honorable Ronald Schilling
- The Honorable George Ray Reinhardt III
- The Honorable William M. Smith*

JUDICIAL DISTRICT THREE
- The Honorable Robert W. Whiteman
- The Honorable Jack D. Swafford
- The Honorable Milton Birnbaum
- The Honorable A. Marvin Cherin
- The Honorable Alfred O. Perry
- The Honorable Charles J. Jurries
- The Honorable William D. Jordan
- The Honorable Frank H. Joseph
- The Honorable Vincent F. Derig
- The Honorable Stephen W. Drescher

JUDICIAL DISTRICT FOUR
- The Honorable G. D. Carey
- The Honorable L. Alan Smith
- The Honorable Lewis W. Woods
- The Honorable Gordon W. Lamm
- The Honorable Wayne P. Willis
- The Honorable Patricia P. Gillespie
- The Honorable John Sellman
- The Honorable Richard Schmidt
- The Honorable Frank T. Elam**
- The Honorable Karen J. Vehlow
- The Honorable Robert M. MacConnell
- The Honorable A. Richard Grant
- The Honorable Alan M. Schwartzman
- The Honorable Darla S. Williamson
- The Honorable Warren H. Gilmore*

JUDICIAL DISTRICT FIVE
- The Honorable Daniel L. Alban
- The Honorable Charles W. Packham
- The Honorable Nathan Higer
- The Honorable Russell C. Shaud
- The Honorable Ronald D. Bruce
- The Honorable Daniel B. Meehl
- The Honorable Melvin C. Edwards
- The Honorable Paul T. Smith***
- The Honorable Roy C. Holloway
- The Honorable William C. Stuart
- The Honorable R. Michael Redman
- The Honorable Phillip M. Becker*

JUDICIAL DISTRICT SIX
- The Honorable Dell W. Smith
- The Honorable Robert W. Bennett
- The Honorable George R. Phillips
- The Honorable William W. Woodland
- The Honorable Willis J. Ward
- The Honorable Genevieve Young
- The Honorable Ann P. Davis
- The Honorable Ralph W. Hadfield
- The Honorable James W. Haeger
- The Honorable Don L. Harding
- The Honorable William H. Woodland
- The Honorable Richard F. Hammond*

JUDICIAL DISTRICT SEVEN
- The Honorable Wilbert Cammack
- The Honorable Robert C. Brower
- The Honorable Linda J. Cook
- The Honorable Glenn A. Phillips
- The Honorable Mildred R. McClure
- The Honorable Arthur A. Wright
- The Honorable Jerry D. Reynolds
- The Honorable Michael J. Donohoe, Jr.****
- The Honorable Milton A. Slavin
- The Honorable Harold S. Forbush
- The Honorable Willis Moffat
- The Honorable Grant L. Young
- The Honorable William W. Black*

*Trial Court Administrator who also serves as Magistrate.
**Resigned August 1, 1979.
***Resigned May 30, 1979.
****Retired October 1, 1979.

Exhibit B

ADMINISTRATIVE JUDGES AND TRIAL COURT ADMINISTRATORS

Administrative Judges

The Honorable Watt E. Prather, Administrative Judge	District 1
The Honorable John H. Maynard, Administrative Judge	District 2
The Honorable Edward J. Lodge, Administrative Judge	District 3
The Honorable Robert M. Rowett, Administrative Judge	District 4
The Honorable Douglas D. Kramer, Administrative Judge	District 5
The Honorable Arthur P. Oliver, Administrative Judge	District 6
The Honorable Boyd R. Thomas, Administrative Judge*	District 7
The Honorable Arnold T. Beebe, Administrative Judge**	District 7

Trial Court Administrators

The Honorable Don L. Swanstrom, Trial Court Administrator	District 1
The Honorable William M. Smith, Trial Court Administrator	District 2
B. James Koehler, Jr., Trial Court Administrator	District 3
The Honorable Warren H. Gilmore, Trial Court Administrator	District 4
The Honorable Phillip M. Becker, Trial Court Administrator	District 5
The Honorable Richard F. Hammond, Trial Court Administrator	District 6
The Honorable William W. Black, Trial Court Administrator	District 7

*Served through June 30, 1979
**Assumed office on July 1, 1979

Exhibit C

Judicial Management Information System (District Court)

TOTAL CASELOAD AND DISPOSITION SUMMARY

CLS-400 IDAHO JUDICIAL MANAGEMENT INFORMATION SYSTEM

CASE FILINGS AND DISPOSITION SUMMARY

* STATEWIDE REPORT * JANUARY 1 THRU DECEMBER 31, 1979 STATE DC

* DISTRICT COURT * TYPE-OF-CASE DESCRIPTION	CASE FILINGS	*** TYPE-OF-DISPOSITIONS *** W/O TRIAL	WITH TRIAL	UN-KNOWN	TOTAL DISPOS.	CASES PENDING DEC 31
11 DOMESTIC RELATIONS	1,570	653	1,008		1,661	1,134
12 PERSONAL INJ / PROP. DAMAGE.	1,083	651	254		905	1,547
13 SUPPORT PROCEEDINGS	488	304	101		405	531
14 OTHER COMPLAINTS & PETITIONS	4,769	2,477	1,421		3,898	5,381
15 SMALL CLAIMS	3		1		1	2
** TOTAL - CIVIL CASES **	7,913	4,085	2,785		6,870	8,595
* DISTRICT COURT APPEALS *	258	119	127		246	223
21 FELONIES - DRUG	274	85	196		281	150
21 FELONIES - D.W.I.	168	56	114		170	97
21 FELONIES - ALL OTHER	2,310	604	1,626		2,230	1,001
23 TRAFFIC - OTHER THAN DWI . .	1	1			1	2
24 MISDEMEANORS - DRUG	19	6	17		23	10
24 MISDEMEANORS - D.W.I. . . .	15	2	11		13	4
24 MISDEMEANORS - ALL OTHER . .	165	51	119		170	28
** TOTAL - CRIMINAL CASES **	2,952	805	2,083		2,888	1,292
* DISTRICT COURT APPEALS *	91	36	16		52	98
30 Y.R.A. PROCEEDINGS - DRUG .	0					
30 Y.R.A. PROCEEDINGS - D.W.I.	0					
30 Y.R.A. PROCEEDINGS - OTHER .	0					
31 CHILD PROTECTIVE ACT CASES .	2	2			2	1
32 ADOPTION - TERM.PARENT PROC.	1					2
34 GUARDIANSHIP OF MINORS . . .	3		1		1	4
35 GUARDIANSHIP- INCAP. PERSONS	0					2
36 INFORMAL ESTATE PROCEEDINGS	1	2	3		5	5
37 FORMAL ESTATE PROCEEDINGS .	0					1
40 HABEAS CORPUS PROCEEDINGS .	111	111	23		134	42
41 ALL OTHER SPECIAL HEARINGS .	76	24	40		64	55
** TOTAL - SPEC. PROCEEDINGS **	194	139	67		206	112
* DISTRICT COURT APPEALS *	17	21	9		30	13
** TOTALS OF ALL CASES **	11,059	5,029	4,935		9,964	9,999
* DISTRICT COURT APPEALS *	366	176	152		328	334

Exhibit D

Judicial Management Information System (Magistrate Division)

TOTAL CASELOAD AND DISPOSITION SUMMARY

CLS-400 IDAHO JUDICIAL MANAGEMENT INFORMATION SYSTEM

CASE FILINGS AND DISPOSITION SUMMARY

* STATEWIDE REPORT * JANUARY 1 THRU DECEMBER 31, 1979 STATE MD

* MAGISTRATE DIVISION * TYPE-OF-CASE DESCRIPTION	CASE FILINGS	*** TYPE-OF-DISPOSITIONS *** W/O TRIAL	WITH TRIAL	UN-KNOWN	TOTAL DISPOS.	CASES PENDING DEC 31
11 DOMESTIC RELATIONS	7,978	1,150	6,265		7,415	3,633
12 PERSONAL INJ / PROP. DAMAGE.	608	531	78		609	604
13 SUPPORT PROCEEDINGS	3,112	1,746	816		2,562	2,459
14 OTHER COMPLAINTS & PETITIONS	11,194	8,587	1,570		10,157	8,395
15 SMALL CLAIMS	15,581	5,130	9,416		14,546	4,373
** TOTAL - CIVIL CASES **	38,473	17,144	18,145		35,289	19,464
21 FELONIES - DRUG	514	298	216		514	119
21 FELONIES - D.W.I.	321	177	117		294	71
21 FELONIES - ALL OTHER	4,864	3,310	1,415		4,725	2,009
23 TRAFFIC - OTHER THAN DWI . .	213,025	207,225	4,748		211,973	5,777
24 MISDEMEANORS - DRUG	871	258	616		874	190
24 MISDEMEANORS - D.W.I. . . .	8,234	1,567	6,214		7,781	2,533
24 MISDEMEANORS - ALL OTHER . .	20,439	6,290	12,904		19,194	5,591
** TOTAL - CRIMINAL CASES **	248,268	219,125	26,230		245,355	16,290
30 Y.R.A. PROCEEDINGS - DRUG .	71	51	39		90	46
30 Y.R.A. PROCEEDINGS - D.W.I.	4	3	3		6	1
30 Y.R.A. PROCEEDINGS - OTHER .	7,452	2,837	4,306		7,143	2,821
31 CHILD PROTECTIVE ACT CASES .	478	114	353		467	282
32 ADOPTION - TERM.PARENT PROC.	1,075	84	980		1,064	365
34 GUARDIANSHIP OF MINORS . . .	212	27	236		263	266
35 GUARDIANSHIP- INCAP. PERSONS	242	40	224		264	239
36 INFORMAL ESTATE PROCEEDINGS	2,641	1,104	1,243		2,347	3,168
37 FORMAL ESTATE PROCEEDINGS .	883	170	913		1,083	936
40 HABEAS CORPUS PROCEEDINGS .	150	98	10		108	67
41 ALL OTHER SPECIAL HEARINGS .	706	231	419		650	385
** TOTAL - SPEC. PROCEEDINGS **	13,914	4,759	8,726		13,485	8,576
** TOTALS OF ALL CASES **	300,655	241,028	53,101		294,129	44,330

Exhibit E

Supreme Court Caseload Report

COMPARATIVE SUMMARY STATUS OF THE CALENDAR FOR THE YEAR ENDING DECEMBER 31, 1979	Total Pending At Beginning Of Year	Added/ Transferred	Disposed Of	Total Pending At End Of Year	Difference Pending At Beginning And End — Number	Difference Pending At Beginning And End — Percentage
Appeals by Type:						
District Court — Civil						
a. Auto Negligence	3	0	2	1	-2	
b. Other Negligence	1	2	2	1		
c. Tax Appeals	7	3	2	8	1	
d. Domestic Relations	18	21	15	24	6	
e. YRA/CPA	5	3	2	6	1	
f. Environment/Zoning	1	3	1	3	2	
g. All Other Civil	262	186	158	290	28	
Total District Court — Civil	**297**	**218**	**182**	**333**	**36**	**12%**
District Court — Criminal						
a. Judgments	113	76	69	120	7	
b. Post-Conviction Relief	4	8	5	7	3	
c. Habeas Corpus Appeals	10	3	8	5	-5	
d. All Other Criminal	19	17	11	25	6	
Total District Court — Criminal	**146**	**104**	**93**	**157**	**11**	**8%**
Agency Appeals						
a. Workman's Compensation	39	33	31	41	2	
b. Public Utilities Commission	12	8	7	13	1	
c. All Other Agency	0	0	0	0	0	
Total Agency Appeals	**51**	**41**	**38**	**54**	**3**	**6%**
Interlocutory Appeals	3	17	18	2	-1	-33%
TOTAL APPEALS	**497**	**380**	**331**	**546**	**49**	**10%**
Petitions and Motions:						
Extensions of Time		732	715			
Motion to Dismiss		137	132			
Petition For Rehearing		27	24			
Other		523	489			
Total Petitions and Motions		**1,419**	**1,360**			
Original Actions:						
Mandamus	0	14	12	2	2	
Prohibition	1	1	2	0	-1	
Habeas Corpus	0	7	4	3	3	
Other	0	6	4	2	2	
Total Original Actions	**1**	**28**	**22**	**7**	**6**	
Disciplinary Proceedings:						
Suspensions or Disbarments	2	0	1	1	-1	
Other	0	2	0	2	2	
Total Disciplinary Proceedings	**2**	**2**	**1**	**3**	**1**	

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